

MAINE STATE HARNESS RACING COMMISSION
MINUTES OF MEETING
DECEMBER 19, 2019
BURTON M. CROSS BUILDING, ROOM 209
111 SEWALL STREET, AUGUSTA, ME

Commission Members Present: William McFarland, Pro tem, James Kelley, Jr., Edward Kelleher, and Richard Shiers

Commission Members Absent: Michael Timmons

Staff Members Present: Ron Guay, AAG, Henry Jennings, Carol Gauthier, Miles Greenleaf, Jaime Wood, and Zachary Matzkin

1. Call the Meeting to Order and Introductions: William McFarland, Chair Pro tem

2. Review and Approval of Minutes

None.

Review and Approval of Decision and Orders

None.

3. Adjudicatory Hearings:

1. RE: Pursuant to 8 M.R.S. § 271 and Commission Rule Chapter 19, Section 4, the Commission will take Testimony on the following applications for live racing renewals for calendar year 2020:

a. Davric Maine Racing, LLC

Hearing Officer Randlett opened the adjudicatory hearing. After testimony was heard, Commissioner Kelleher moved to accept the proposed findings of fact, all nine of them. Commissioner Shiers seconded. Vote 4-0.

Commissioner McFarland stated he would request a motion to issue the licenses for 2020 to those applicants that they have just approved. Commissioner Shiers moved the motion. Commissioner Kelley seconded. Vote 4-0.

Hearing Officer Randlett stated they can now discuss conditions. Commissioner McFarland stated they have already approved previously at the November 7th meeting conditions. Today here presented were six other points or conditions to be considered by MHHA. After discussion on the six other points, Commissioner Kelleher stated the six suggestions for amendments to the current rule be postponed. Commissioner Shiers seconded the motion. Commissioner Kelleher stated they accept no amendments to the findings of fact. Commissioner McFarland stated so it's been moved and seconded that they not consider this proposal, basically, these six points. Is there further discussion? Seeing none, he called for a vote. All those in favor of the motion not to consider these six points, but to go with the 16 points that have already been agreed upon by all of the parties. Vote 3-1. Commissioner Kelley opposed.

Hearing Officer Randlett stated they are now going to take up race date allocation. After hearing testimony, the Commission deliberated on the question of race date assignments. Commissioner McFarland stated there seems to be no concern about, Skowhegan State Fair, Union Fair, Windsor Fair, Franklin County Farmington Fair, Cumberland Farmers Club and West Oxford Agricultural Society, Fryeburg Fair, and he hasn't heard anything with respect to HC Bangor, LLC. So, their proposed dates are in the document that we've received. Commissioner Kelleher stated to the Chair, the fairs that you just went through, he moves

they accept and grant them their dates. Commissioner Shiers seconded. Hearing Officer Randlett stated and it should be clear that those are dates as requested and as provided for by Mr. Jennings in the modified race calendar, which has been admitted as Exhibit No. 26. Commissioner Kelleher stated so moved. Commissioner McFarland asked if there is any further discussion on those applications? Seeing none, all of those in favor of the dates that have been given in the calendar by the staff. Vote 4-0.

Commissioner Shiers stated he would like to make a motion that they leave Northern Maine Fair just the way it is, and he'll make a motion to that, from August 2nd to the 7th.

Commissioner Kelleher seconded. Commissioner McFarland stated it's been moved and seconded. Is there any further discussion? Seeing none, all of those in favor. Vote 4-0.

Commissioner Kelley stated he would make a motion to approve the dates Topsham has asked for which would be the 31st of July, Saturday the 1st of August and then we go to the 8th and 9th of August. Commissioner Shiers seconded. Commissioner McFarland stated all right. It's been moved and seconded that they consider the application of July 31st and August 1st, 8th, and 9th for Topsham Fair. Is there any further discussion? Seeing none.

All those in favor. Opposed. Again, as the fair representative, I'm going to abstain. Hearing Officer Randlett stated okay. So just so I get it clear, you just voted to approve Topsham July 31st at 5:00 p.m., August 1st at 1:00 p.m., August 8th at 1:00 p.m., and August 9th at 12:00 p.m. The motion passed with a 2 to 1 vote with 1 abstention by Mr. McFarland.

Commissioner McFarland stated now they would move to address Scarborough Downs request for dates. Commissioner Shiers stated he would make a motion they accept Davric Corporation's race dates as presented. Commissioner Kelleher seconded. Commissioner McFarland stated it's been moved and seconded that they accept and approve the race dates of Davric Maine as presented. Any further discussion. That's presented on the calendar. Commissioner Kelley stated that's right. Commissioner McFarland stated no further discussion. All those in favor. Vote 4-0.

Hearing Officer Randlett stated now you've got to do dashes. Commissioner McFarland stated they need to discuss dashes. After discussion, Commissioner Kelleher moved to accept the recommendation of the number of dashes per day both for Bangor and for Scarborough. Hearing Officer Randlett asked as reflected in Exhibit 26. Commissioner Kelleher stated yes. Commissioner Shiers seconded. Commissioner McFarland stated it's been moved and seconded that they accept this document as the number of dashes for everyone racing in 2020. Is there more discussion? Hearing Officer Randlett stated they have a point of order from Mr. Guay. Mr. Guay stated he would just like to point out that typically because we've had to come back and fix cases that they might consider including in the order that if there are Sire Stake dashes that they not be counted towards the limits, just because he can't remember a race date year where they haven't had to reopen it to clarify that. Hearing Officer Randlett stated so the Sire Stakes dashes would not be considered in the dashes approved pursuant to the calendar; is that correct? Commissioner McFarland stated correct, that there would be one additional dash allowed per meet per card. Hearing Officer Randlett stated okay. Commissioner McFarland stated so it's been moved and seconded and amended to fit the Sire Stakes. All those in favor of the motion.

Commissioner Kelley asked if they were going to discuss. After a brief discussion, Commissioner McFarland stated that they had a motion and a second along with an amendment to add one day, as far as the Sire Stakes go, to the number as printed on this report. And there's been a couple of changes just to make sure that the changes were noted. Hearing Officer Randlett stated there should be a motion to amend the motion to reduce the number of dashes on those dates from 12 to 10. Commissioner Kelley stated he can make that motion. Commissioner McFarland asked if there was a second. Commissioner Shiers seconded. Commissioner McFarland stated it's been moved and seconded. All those in favor of changing those 5 dashes down from 12 to 10. Vote 4-0. Now back to the motion to accept the calendar as amended. There's no more discussion. All those in favor. Opposed.

Vote 4-0 to accept the calendar as presented and amended. Hearing Officer Randlett stated okay. So that concludes the proceeding with respect to the allegation of race dates and dashes. We have concluded the proceeding with respect to the licensure, so he is going to close. Mr. Guay stated before you close, I'm sorry, a point of order. He has researched the question of simulcasting. He believes the Commission's action today under 275(B)(1) is sufficient, but just for the avoidance of doubt, if the Commission could actually take up an approval of simulcasting for the tracks, that would be appreciated. He thinks it's implied in the statute, but he knows historically there were standards that needed to be met, they believed they've all been withdrawn, but for the avoidance of doubt, if the Commission could authorize simulcasting at racetracks. Hearing Officer Randlett stated so. Commissioner McFarland stated he'd entertain a motion to that effect. Commissioner Shiers moved the motion. Commissioner Kelleher seconded. Commissioner McFarland stated it's been moved and seconded that they recognize and allow simulcasting from those entities that have requested it. All those in favor. Vote 4-0. Hearing Officer Randlett stated okay. So that should take care of the issues. The proceedings are now closed.

4. **Overview/Update on Prohibited Substance Testing.** Miles Greenleaf will give an overview/update of the prohibited substance testing results.
No update.
5. **Other Business**
None.
6. **Public Comment**
None.
7. **Schedule of Future Meetings:**
December 20, 2019
January 17, 2020
February 21, 2020
8. **Adjourn**
4:00 p.m.